IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.168 OF 2005

Shamshuddin Dawood and others Petitioner

versus

Municipal Corporation of Greater Bombay and others Respondents

Ms.Neeta Madhyan i/by S.M.Associates for petitioner.

Ms.A.K.Savla for respondent no.1.

Mr.J.J.Shah for respondents 2 and 3.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th March 2005

PC :

1. Heard Ms.Madhyan in support of this petition, Ms.Savla for respondent no.1 and Mr.Shah for respondents 2 and 3. Petitioners are occupants of building numbers C, D and E in the property wherein there are two other buildings namely A and B. It is only these two buildings which are being reconstructed. Grievance of petitioners appears to be that the FSI of the buildings C, D and E was perhaps being utilised while reconstructing buildings A and B.

2. An affidavit-in-reply has been filed by one Noor Mohammed Gani Khoraji, Secretary of Mashayak Co-operative Housing Society Limited. In para no.8 of this affidavit he has stated that reconstruction is as per FSI available on the demolition of the said buildings A and B and no extra FSI is utilised. An affidavit is filed by Mahesh Sambhu Revadekar, Sub Engineer (Building & Planning Department) from the Kandivali Building Proposal Office (West Ward). He has stated in para 10 that the society is not using more FSI for rebuilding the said two wings and using the FSI available in respect of said two wings namely A and B. On a query of Ms.Madhyan, Mr.Shah stated that there is no proposal to demolish and reconstruct other buildings C, D and E. That takes care of the apprehension of the petitioners. Petition dismissed.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)